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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re U.S. Patent Application of

YAMAMOTO et al.

Application Number: 09/873,206

Filed: June 5, 2001

For: OPTICAL MEASUREMENT DEVICE

Attorney Docket No. NIPP.0001

Art Unit 3742

Examiner Hoang, Tu Ba

**RECEIVED**

MAR 19 2004

OFFICE OF PETITIONS

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**PETITION TO WITHDRAW FROM ISSUE  
UNDER 37 C.F.R. §1.313(c)(2) AFTER PAYMENT OF ISSUE FEE**

Sir:

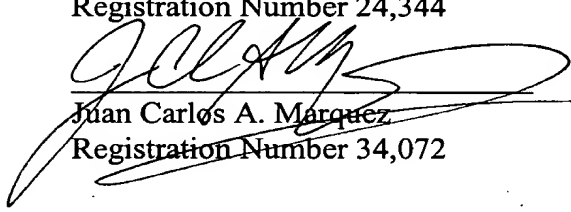
Applicants respectfully petition that the above identified application be withdrawn from issue. Withdrawal from issue is necessary in order to consider a Request for Continued Examination (RCE) under 37 CFR § 1.313(c)(2).

The issue fee was paid on May 19, 2003. However, pursuant to a Supplemental Notice of Allowability the Applicant was notified that the claim for priority to PCT/JP99/06749 filed December 1, 1999, and JP 10-347299 filed December 7, 1998, was not perfected. On August 28, 2003, the Applicant filed a Petition under 37 C.F.R. § 1.55(a)(1)(ii) along with a Statement Regarding Unintentionally Delayed Claim for Priority. The Petitions Attorney advised the Applicant to file an amendment to the specification to claim priority under 35 U.S.C. § 120 to PCT/JP99/06749 filed December 1, 1999, and JP 10-347299 filed December 7, 1998, under 35 U.S.C. § 119. Applicant respectfully request the application be withdrawn from issue in order to permit the Examiner to consider the Amendment and Request for Priority.

Enclosed is a check in the amount of \$130.00 to cover the required petition fee.  
The commission is hereby authorized to charge any insufficiency or credit any overpayment to  
Deposit Account No. 08-1480.

Respectfully submitted,

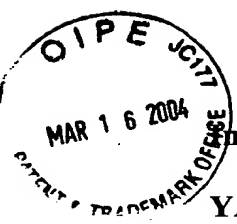
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Stanley P. Fisher  
Registration Number 24,344

  
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Juan Carlos A. Marquez  
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**REED SMITH LLP**  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200

**March 16, 2004**

#15



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of

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Application Number: 09/873,206

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Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**SUPPLEMENTAL PETITION TO ACCEPT UNINTENTIONALLY DELAYED  
CLAIM FOR PRIORITY  
PURSUANT TO 37 C.F.R. § 1.78(a)(3) and 1.55(c)**

Sir:

Applicant hereby submits a Supplemental Petition to the Petition for Unintentionally Delayed Priority Claim filed on August 28, 2003, where Applicant respectfully requested the Commissioner to (1) accept the above-Unintentionally Delayed Claim for Priority; and (2) grant the claim of priority to PCT/JP99/06749 filed on December 1, 1999, which claims the priority of Japanese Patent Application 10-347299 filed December 7, 1998.

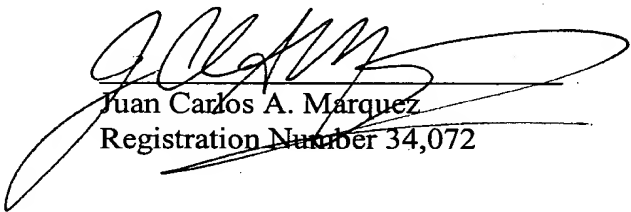
The Applicant has filed a Petition to Withdraw the above-referenced application from issue along with a Request for Continued Examination and an Amendment to amend the specification to claim priority to applications and dates mentioned above. A copy of the Amendment is enclosed.

Applicant has fulfilled all of the requirements of 37 C.F.R. § 1.78(a)(3) and respectfully requests that the the Unintentionally Delayed Request for Priority be accepted, and that the claim for priority be granted.

While it is respectfully believed that no fee is required for filing this Supplemental Petition, please charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

\_\_\_\_\_  
Stanley P. Fisher  
Registration Number 24,344

  
\_\_\_\_\_  
Juan Carlos A. Marquez  
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**March 16, 2004**